

1 Richard Spencer
2 734 Clearwater Dr.
3 Whitefish, MT 59937

4 UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

5 TYLER MAGILL *et al.*,
6 Plaintiffs

7 vs.

8 RICHARD SPENCER,
9 Defendant — Appellant

Case No:

No. 23-1112

3:17-cv-00072-NKM

10 **MOTION TO REOPEN**

11
12 Comes now a motion to reopen Case No. 23-1112 by Defendant and Appellant Mr.
13 Richard Spencer, *pro se*, in his appeal of *Sines v. Kessler*.

14 Mr. Spencer apologizes to the Court for his tardiness in paying his fee to the U.S. District
15 Court—Western District of Virginia, which ensures that the appeals process moves forward.
16 Upon completing this task, Mr. Spencer humbly requests that his case be reopened.

17 On April 11, 2023, the Court dismissed Mr. Spencer’s appeal on the basis of his “failure
18 to prosecute pursuant to Local Rule 45.” Upon reading this order, Mr. Spencer immediately
19 phoned the Clerk’s Office around 12:45 PM ET. The Office promptly returned his call and
20 informed him that he had never paid his filing fee of \$500 to the Western District Court. The
21 Clerk also informed Mr. Spencer that he must initiate a Motion to reopen his case. Mr. Spencer

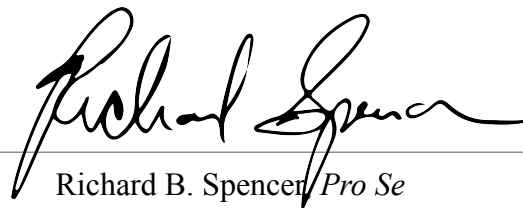
1 then called the Western District Court requesting details; his call has yet to be returned at the
2 time of this filing. Regardless, Mr. Spencer has mailed a check for \$500, along with the relevant
3 details, to the Western District Court via Express Mail. It should arrive by Thursday afternoon,
4 April 13.

5 Mr. Spencer's failing to pay this fee does not reflect any disrespect to the Court, but a
6 lapse, owing in some part to his inexperience. This could be considered by the Court excusable
7 neglect. On March 17, Mr. Spencer filed, in a timely fashion, his Informal Brief, outlining
8 arguments in favor of his appeal. Mr. Spencer has thus not ignored the process, but is an active
9 participant in it.

10 The *Sines v. Kessler* case will be addressed by this Court for some of Mr. Spencer's co-
11 Defendants. Mr. Spencer's case is related to theirs, of course, but is also unique in matters of
12 circumstance and law. Additionally, this case is of great importance, not only to the individuals
13 involved but to the nation as a whole, as it involves the application of Constitutional law. It
14 deserves to be heard in full.

15 Mr. Spencer apologizes to the Court for his tardiness. He humbly seeks its forgiveness
16 and asks that it reopen his case.

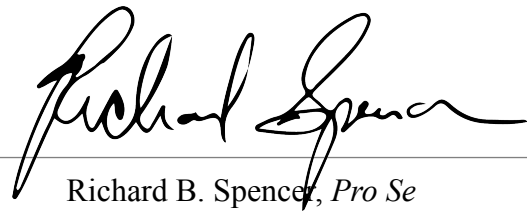
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Richard B. Spencer *Pro Se*

CERTIFICATE OF SERVICE

I certify that on APRIL 11, 2023, a true and correct copy of the foregoing was filed electronically with the Fourth Circuit Court of Appeals.



Richard B. Spencer, *Pro Se*